28 JUL. 1978

TL 2585

UNITED NATIONS

GENERAL ASSEMBLY

PROVISIONAL

A/C.4/SR.2185
11 December 1975
ENGLISH
ORIGINAL: FRENCH

Thirtieth Session

FOURTH COMMITTEE

PROVISIONAL SUMMARY RECORD OF THE TWO THOUSAND ONE HUNDRED AND EIGHTY-FIFTH MEETING

Held at Headquarters, New York,
on Monday, 8 December 1975, at 10.30 a.m.

Chairman:	Mrs. JOKA-BANGURA	Sierra Leone
Rapporteur:	Mr. QUARTIN-SANTOS	Portugal

CONTENTS

Question of Territories under Portuguese administration (continued)

Question of Timor

Organization of work

Corrections to this record should be submitted in one of the working languages of the General Assembly, preferably in the same language as the text to which they refer. Corrections should be sent in quadruplicate within three working days to the Chief of the Official Records Editing Section, Department of Conference Services, room LX-2332, and also incorporated in one copy of the record.

AS THIS RECORD WAS DISTRIBUTED ON 11 DECEMBER 1975, THE TIME-LIMIT FOR CORRECTIONS WILL BE 16 DECEMBER 1975.

The co-operation of participants in strictly observing this time-limit would be greatly appreciated.

The meeting was called to order at 10.55 a.m.

QUESTION OF TERRITORIES UNDER PORTUGUESE ADMINISTRATION (continued)

Question of Timor (A/C.4/802, 803, 807, 808; A/C.4/L.1125/Rev.1, L.1129)

The CHAIRMAN said that, at the request of a number of delegations which wished to continue consultations, she would, if there was no objection, suspend the meeting.

It was so decided.

The meeting was suspended at 11 a.m. and resumed at 12.05 p.m.

Mr. GALVAO TELES* (Portugal) said that his delegation had already had occasion to explain in detail in the Committee the evolution of the decolonization process in progress concerning Timor as well as the fundamental principles applied by the Portuguese Government with regard to the manner in which the people of Timor would exercise their right to self-determination.

Serious events which had occurred very recently in the Territory had, however, obliged his delegation to ask to speak on the question once again.

The previous day, the Portuguese Government had issued the following communiqué, which he quoted in full:

"1. The Council of Ministers has taken note of the fact that early on 7 December naval, air and land forces of the Republic of Indonesia launched offensive actions against the Territory of Portuguese Timor and particularly against the town of Dili, where naval bombardments occurred and troops were landed.

"2. This military aggression, which Portugal vehemently condemns, has abruptly altered the course of the decolonization process, which despite all the recent vicissitudes should and could have concluded peacefully.

---

* The statement made by the representative of Portugal is reproduced in full in the summary record in accordance with a decision taken by the Committee during the meeting.

(Mr. Galvao Teles, Portugal)

"3. The Council of Ministers:

Considering that, in accordance with the Charter and the resolutions of the United Nations, the fundamental principle of Portuguese decolonization has always been to guarantee respect for the means chosen by the people for the exercise of their right to self-determination, taking into account the particular circumstances of each Territory;

Recalling that the situation resulting from the armed uprising by the União Democrática de Timor on 11 August 1975 disrupted the peaceful course of the process of decolonization of the Territory and plunged it into a situation of civil war;

Considering further that at their meeting in Rome the Ministers for Foreign Affairs of Portugal and Indonesia had agreed: that they would make joint efforts to organize talks between Portugal and the three political parties in Timor, that Portugal condemned any outside aggression, and that Indonesia recognized the sovereignty of Portugal as the administering Power;

Considering that following the Rome meeting the attitude of the Government of Indonesia has revealed ambiguous intentions, so that it has not been possible to hold the planned talks at Darwin, to which FRETILIN had given its full agreement, and that this attitude is reflected in actual military support given to the pro-Indonesian political parties;

Considering finally the gravity of the aggression committed today;

The Council of Ministers decides:

(a) To sever diplomatic relations with the Republic of Indonesia;

(b) To support the decision of the National Decolonization Commission recommending that Portugal should appeal to the United Nations, and particularly to the Security Council, to obtain an immediate cessation of the military intervention by Indonesia in the Territory of Timor and a peaceful and negotiated settlement of the conflict and of the decolonization process under the auspices of the United Nations;

(c) To request United Nations intervention to obtain the immediate release of the 23 Portuguese soldiers who are being detained."

/...

(Mr. Galvao Teles, Portugal)

In those circumstances, he wished, on behalf of the Portuguese Government, to reiterate to the Committee the total condemnation strongly expressed by Portugal of the act of aggression committed by Indonesia against the defenceless people of the small Territory of Timor. That aggression constituted a clear violation of all the obligations by which States Members of the United Nations were bound under international law and under the Charter of the United Nations, a violation fraught with consequences for peace and for the free accession of the people of Timor to freedom, self-determination and independence.

His delegation had therefore, the previous day, on instructions from its Government, requested the President of the Security Council to convene an urgent meeting of the Council so that the military aggression by Indonesia might be terminated and conditions might be established to enable the decolonization process in progress in Timor to continue, under the auspices of the United Nations and in accordance with the provisions of the Charter, with resolution 1514 (XV) and with the other relevant resolutions of the United Nations.

Aware of the responsibilities which were still incumbent on Portugal as administering Power, the Portuguese Government would do everything in its power to bring the process of decolonization in Timor to a successful conclusion while recognizing - in view of the circumstances - the need for closer collaboration and intervention by the United Nations in the evolution of that process in order to enable the people of Timor to choose freely their future political status. As his delegation had already had occasion to point out to the Committee a few days earlier, the right of the people of Timor to self-determination could not be jeopardized by the use of force, either by political parties or, still less by any foreign Power. The problem of the decolonization of Timor therefore remained and neither the United Nations, nor the administering Power - Portugal - could evade their responsibilities in that respect.

In view of the current circumstances, the Portuguese Government considered that the General Assembly should take a clear stand on the problem of the decolonization of Timor, and define the means which seemed to it appropriate

(Mr. Galvao Teles, Portugal)

to complete that process successfully and to safeguard the inalienable rights of the people of Timor. To that end, it would be helpful to reinforce the powers of the Special Committee of 24 so that the latter and the Portuguese Government, as administering Power, could ensure, in close collaboration, the continuity of the process of decolonization by means of a peaceful solution negotiated with the various political parties representing the people of the Territory.

The specific characteristics of Timor, the distance which separated it from Portugal and the obstacles recently placed in the way of the process of the decolonization of the Territory - of which the aggression currently being committed constituted a flagrant example - fully justified the General Assembly taking a clear and constructive position along those lines. His delegation firmly hoped that that would happen.

Mr. FOUM (United Republic of Tanzania) said that a number of delegations had made sustained efforts to reach a decision which would make it possible to ensure the sovereignty and territorial integrity of Portuguese Timor and to safeguard the right of its people to self-determination and independence. His delegation had always shown its firm opposition to any intervention, military or other, by any State against any other people.

In view of the important statement which the representative of Portugal had just made, he proposed that it should be reproduced in extenso in the summary record of the meeting.

The CHAIRMAN said that, bearing in mind the financial implications of the proposal, which would amount to $330 per page of the summary record, and if there was no objection, she would take it that the Committee agreed to that proposal.

It was so decided.

Mr. CAMPBELL (Australia) informed the Committee of a statement made by the Minister for Foreign Affairs of Australia concerning the latest developments in Portuguese Timor. The current tragedy of the Territory had begun with the intense political difficulties which Portugal had experienced over recent months. Since Portugal had been unable to exercise sufficient influence over the Territory,

(Mr. Campbell, Australia)

the programme for decolonization drawn up at Macau had broken down; some 40,000 inhabitants of Portuguese Timor had therefore sought refuge in the Indonesian part of Timor, causing great difficulties for the Indonesian Government. Intermittent fighting had taken place in recent weeks and the Frente Revolucionária Timor Leste Independente (FRETILIN) had unilaterally proclaimed the independence of the Territory, while other political groups had declared that Portuguese Timor was part of Indonesia. That situation had culminated in the capture of Dili and the proclamation of a new Government in the Territory. Indonesia's stated objective was the restoration of law and order, a task which Portugal had been unable to carry out, as a precondition to the exercise by the people of Portuguese Timor of their right to decide their political future. While that objective was laudable in itself, the Australian Government deeply deplored the means used by the Indonesian Government to achieve it. The Ambassador of Australia at Jakarta had on a number of occasions - most recently on 4 December 1975 - drawn the attention of the Indonesian authorities to the fact that the use of force was not an appropriate means to settle the problem of Portuguese Timor, and the Australian Government found no reason to condone the attack which had just taken place.

The Australian Government would seek to be represented at the meeting of the Security Council requested by the Portuguese Government and would ask the Council to call for an immediate cease-fire. It would repeat that the people of Timor should have the opportunity to exercise their right to self-determination. His delegation would, if need be, support the dispatch of United Nations observers to the Territory to see that an appropriate process of self-determination took place. It hoped that Indonesia, if it participated in the meeting of the Security Council, would respond to the concern which had been aroused in the international community over the fate of the people in the Territory and would explain its intentions clearly.

The Minister for Foreign Affairs of Australia had added that Australia stood ready to provide aid to the Territory as soon as the situation on the ground permitted. The Australian Government would request assurances from the Indonesian Government with respect to the security of Australian personnel.

/...

(Mr. Campbell, Australia)

He regretted that draft resolution A/C.4/L.1125/Rev.1, which was the result of difficult but fruitful negotiations, had not been adopted earlier and empahsized that it would be expedient to adopt it that day. His delegation would, however, like to see an appeal for a cease-fire included in the draft.

His delegation reserved the right to speak again on the question as the need arose.

Mr. FERNANDES (Guinea-Bissau) said that his delegation was disappointed that Indonesia had resorted to force in order to settle the problem of Portuguese Timor in the way it had. It wondered why Indonesia had become a sponsor of draft resolution A/C.4/L.1125/Rev.1 while it was preparing its act of aggression.

Indonesia, a State comprising several islands, naturally sought to form a true nation, but it would not achieve that end through annexation.

His delegation strongly condemned the use of force and unreservedly supported the statement just made by the representative of Portugal. It would participate in the discussion on the question in the Security Council.

Mr. KHAN (Mozambique) said that Indonesia's military aggression spoke for itself and revealed the true intentions of the Government of that country, which had nevertheless stated that it did not believe in the use of force.

The Mozambican Government wished to reiterate that the proclamation of independence by FRETILIN reflected the profound aspirations and the inalienable rights of the people of Portuguese Timor to full self-determination. That proclamation was part of the vast effort made by the oppressed peoples to free themselves, an effort which had been recognized in the Declaration contained in General Assembly resolution 1514 (XV). Indonesia, having seen its annexationist manoeuvres frustrated by the determination of the people of Portuguese Timor, had resorted to military aggression and armed occupation. Mozambique vehemently condemned any foreign aggression and, in the present instance, that by Indonesia, and he appealed for action to put an end to such aggression and safeguard the inalienable rights of the people of Portuguese Timor. Mozambique appealed, in particular, to the Indonesian Government to cease immediately all intervention in the internal affairs of Portuguese Timor, and to recognize the Democratic Republic of East Timor and establish good neighbourly relations with it.

/...

(Mr. Khan, Mozambique)

Mozambique hailed the birth of the Democratic Republic of East Timor and congratulated its people. It wished to develop the already existing relations of friendship and solidarity with that country and to promote close co-operation with it.

His delegation reserved the right to speak again on the question, if necessary, and intended to participate in the discussions on the question in the Security Council. Finally, his delegation congratulated the Portuguese Government on having clearly stated its position.

Mr. AMERASINGHE (Sri Lanka) expressed his delegation's indignation and consternation at the action taken by Indonesia under the pretext of defending the sovereignty and integrity of its territory and the life and property of its nationals. That action ran counter to the principles, philosophy and policy of non-alignment practised by Sri Lanka.

His delegation was, under the circumstances, surprised that Indonesia had sponsored draft resolution A/C.4/L.1125/Rev.1 because its action was directly contrary to the fourth and fifth preambular paragraphs and operative paragraphs 1 and 2, the provisions of which he drew to the Committee's attention. It was surprising that the draft resolution in question had not been put to the vote on 5 December, and those who had requested postponing the vote until a later date knew the reason for it.

After referring to the letter from the Permanent Representative of Indonesia addressed to the Secretary-General (A/C.4/808), he wondered how the situation in Portuguese Timor could be a threat to Indonesia. Was not the Indonesian Government, which had intervened in the Territory on such a massive scale, able to defend its territory? He doubted Indonesia's sincerity when it stated that it was prepared to respect the exercise by the people of Portuguese Timor of their right to self-determination.

He could not agree with the remarks by the Vice Minister for Foreign Affairs of Mozambique that the unilateral declaration of independence constituted the appropriate exercise by the people of Portuguese Timor of their right of self-determination. FRETILIN was no more representative than the other groups.

While the Security Council was entrusted with maintaining international peace and security, it was for the Fourth Committee to take all possible measures to ensure the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Committee must propose means that would enable

(Mr. Amerasinghe, Sri Lanka)

the people of Portuguese Timor to make their views known on their future political status, free from foreign interference, whether overt or concealed. It had been suggested that an appeal for a cease-fire should be made. Yet, it was only one party that had opened fire, and that party could be requested to put an end to it. What was essential was that Indonesia should be urged to withdraw its troops and that an administration should be established in Portuguese Timor which would be able to maintain order until conditions in the Territory permitted the people to exercise freely their right to self-determination. The interested parties should therefore undertake consultations to that end. It appeared, however, that Portugal was not in a position to deal with the situation alone. The best course, therefore, would be for Portugal and the United Nations to ensure the administration of the Territory until the aforementioned favourable conditions were established.

He did not believe that any purpose would be served in condemning the action taken by Indonesia, which was nevertheless most regrettable.

He hoped that the Committee would put the draft resolution to the vote, while appealing to Indonesia to withdraw its troops immediately.

Mr. ANWAR SANI (Indonesia) said, first of all, that he had been unable to be present at the beginning of the meeting and therefore reserved the right to reply subsequently to the remarks made by previous speakers. He was disappointed at the attitude of members of the Fourth Committee who had apparently approached the question of Timor without taking into account events that had occurred in recent days and had forgotten that those events were a result of the criminal negligence of the Portuguese colonial authorities. He pointed out that, apart from FRETILIN, there were other political parties, which desired the integration of Timor with Indonesia and which, in fact, represented the majority of the people of Timor who would, in the final analysis, themselves choose the political system to be established in Timor by declaring themselves in favour of integration or independence. He also reminded members that half of the political parties in Timor had only appeared on the political scene there at the time of the change of régime in Portugal. That fact should be taken into account.

/...

(Mr. Anwar Sani, Indonesia)

Furthermore, his delegation feared that the tragedy in Timor had not been created out of nothing, as was the case in Angola. Indonesia's presence in Timor was therefore the result of a request from the parties which were in favour of integration with Indonesia and which had communicated to the Indonesian Government their decision to be regarded as Indonesian nationals. Indonesia had to assist in re-establishing order since the authorities had acknowledged that they were powerless to oppose the wave of murders which had broken out in Timor in recent months and which threatened Indonesia's security. The Indonesian Government had to put an end to the fratricidal struggle among the inhabitants of Timor.

In accordance with General Assembly resolution 1514 (XV), it was for the people of Timor to decide their future. In that connexion, he welcomed the role played by the United Nations in the decolonization process and said that Indonesia did not intend to create a fait accompli in Timor and that the United Nations and the political parties in Timor should consider what role the United Nations should play in the circumstances. Portugal should also participate in those talks in order to facilitate the exercise by the people of Timor of their right to self-determination. Since some representatives of FRETILIN and other parties would soon be arriving in New York, the Fourth Committee could hear both points of view on the problem of Timor.

His delegation regretted that the Portuguese authorities had decided to sever diplomatic relations with Indonesia and hoped that Portugal had not resorted to that manoeuvre in order to extricate itself from its dilemma and to make up for its past errors.

In his statement, the representative of Sri Lanka had suggested that the Indonesian forces should withdraw from Timor. In theory, that was a wise proposal, but in practice, it should be asked what would happen if that were done. For his part, he believed that it would be better to await the arrival of the representatives of the different political parties in Timor before making any suggestions whatsoever.

Mr. WU Miao-fa (China) said that, in its statement on 3 December, his delegation had, inter alia, expressed the hope that the Indonesian Government would stop its military intervention, establish friendly and good-neighbourly relations with East Timor and solve the problems existing between the two sides through

(Mr. Wu Miao-fa, China)

peaceful negotiations conducted on the basis of the five principles of peaceful coexistence. On 7 December, however, the Indonesian Government had launched a large-scale military invasion of East Timor and had occupied Dili, the capital, thus making it impossible for the people of Timor to express freely their aspirations for self-determination and independence in an atmosphere of peace and order. The States Members of the United Nations should uphold justice, stop Indonesia's armed intervention and demand that Indonesia withdraw its invading forces and respect the right of the people of East Timor to independence. However, the draft resolution before the Committee made no mention of outside military intervention, still less a demand for the withdrawal of foreign military forces. In his delegation's opinion, the adoption of that draft resolution would be of no help in eliminating outside intervention or in realizing the aspirations of the people of East Timor for independence.

The representative of Indonesia was employing absurd logic in an attempt to convince the Committee that aggression was justified. Such arguments did not deserve to be refuted.

Mr. SALIM (United Republic of Tanzania) said that he was participating in the debate with sadness and dismay because, since the question had been under consideration, he had taken an active part, both as the representative of his country and as Chairman of the Special Committee of 24, in the talks held on that subject. He had been seeking a way in which the United Nations could assist the people of Timor to exercise their right to self-determination and, until the past few days, he would not have believed that the Indonesian Government would take unilateral measures, much less use its armed forces to intervene. He could not help being dismayed because he had quite recently been trying to bring about the adoption by the Committee of a draft resolution acceptable to all members. At a time when the sponsors of the draft resolution, as well as the delegations of Portugal, Mozambique and Guinea-Bissau, which had spoken in favour of independence, were aware of the efforts made, it was deplorable that the Indonesian Government should have felt it appropriate to launch an operation that was neither legally nor morally justifiable. Indeed, if nations, whether strong or weak, could decide when they should intervene in a neighbouring territory, small countries, in particular, would find themselves in an extremely difficult situation because they would be living in an atmosphere of constant fear.

/...

(Mr. Salim, Tanzania)

He again wished to express the sadness and dismay that he felt with regard to such an operation launched on the eve of the fifteenth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Countries must either recognize that the principle of territorial integrity existed for all nations, or they must deny its existence. As the representative of Sri Lanka had stated, there was one set of standards for all States.

Recently, as Chairman of the Special Committee of 24, he had received a number of telegrams, including one from FRETILIN warning of the threat of an invasion of Timor by Indonesian forces. On each occasion, however, he had been assured that the Indonesian authorities had no intention of invading that Territory. He had therefore made the mistake of believing that such was the case, and deeply regretted his credulity. In addition, three days earlier, he had received a telegram from the Chairman of FRETILIN, the President of the Democratic Republic of East Timor, indicating that the people of East Timor feared that Indonesia might be conditioning its people for a war against Timor, and stating that the people of East Timor would defend their freedom and that a war in East Timor would be long, bloody and destructive to the region's stability. It was now clear that the hope for a peaceful solution expressed in draft resolution A/C.4/L.1125/Rev.1 was vain.

Portugal's so-called "criminal negligence" could also not serve to justify the presence of Indonesia in East Timor and, whatever the position of the Portuguese Government - which, moreover, was unsatisfactory - he did not feel that it permitted the Indonesian Government to play a more important role in Timor. In fact, it was curious, to say the least, that the Indonesian delegation resorted to that pretext since, as a sponsor of draft resolution A/C.4/L.1125, it took note, in the preamble, of the positive attitude of the administering Power.

In reality, the Committee was in the presence of a new fait accompli and should demand the immediate and unconditional withdrawal of Indonesian forces from the Territory of East Timor. Referring to the example set by African countries, he noted that the United Republic of Tanzania, Zambia and Zaire had welcomed a number of refugees at a time when Angola and Mozambique had been the scene of fratricidal struggles, but had never deemed it appropriate to intervene in their territory. He believed that the Indonesian authorities did not intend to play the role of a colonial Power, and that, from the statement by the

representative of Portugal, it would not appear that the Portuguese authorities had ever requested Indonesia's assistance to maintain order in Timor.

The Committee could not condone the invasion of Timor or adopt a draft resolution that would make a joke of the United Nations; it must demand the withdrawal of Indonesian forces from East Timor.

Mr. CAMPBELL (Australia), speaking on a point of order, said, in reply to the representative of the United Republic of Tanzania, that he had not claimed that draft resolution A/C.4/L.1125/Rev.1 should be adopted as it stood; in fact, he had requested that it contain an appeal for a cease-fire. He would not go further into the question since it was to be placed before the Security Council.

Mr. SALIM (United Republic of Tanzania), speaking on a point of order, said that the question of Timor also concerned the Fourth Committee in the sense that the invasion of the Territory by Indonesian forces impeded the decolonization process and it was the Committee's duty to ensure that that process was successful.

Mr. RAHAL (Algeria) said that his delegation, which had never hesitated to denounce and condemn the conduct of the great Powers which used force against countries that were weaker or under their domination, regretted to have to condemn and denounce that same conduct on the part of a third world country, which was, moreoever, a non-aligned country. He had already had an opportunity to emphasize that the policy of resorting to force, if permitted to spread, represented a danger to the whole of mankind. It was understandable that countries relatively new to the international scene should model their conduct on that of the great Powers, which had had more experience of independence, but they should be motivated only by acts that were consistent with the great principles of the equality and brotherhood of peoples.

His country had expected a different attitude on the part of Indonesia, which had joined other Asian countries in submitting draft resolution A/C.4/L.1125/Rev.1 on the question of Timor. He had praised the Indonesian delegation for having placed the right of the people of Timor to self-detmination above the claims of neighbouring States.

By invading Timor, Indonesia claimed to be responding to the wishes of part of the population; such wishes should not, however, be confused with the exercise of the right to self-determination by the population as a whole.

(Mr. Rahal, Algeria)

He was surprised that the representative of Indonesia, without waiting for the Committee's work to be concluded, should have confronted the Committee with a fait accompli, when it could have defended its position before the Committee and could have indicated how it viewed the future of the people of Timor.

He had not lost hope that Indonesia, which had previously waged an unceasing struggle in favour of decolonization, would return to a more accurate assessment of the situation and adopt a policy that was more consistent with the ideas for which it stood. In his view, it would still be possible to retain and adopt the draft resolution which had been proposed, if it included a provision calling upon Indonesia to evacuate its occupation troops.

Mr. GALVAO TELES (Portugal), speaking in exercise of the right of reply, said that he took note of the admission by the representative of Indonesia concerning the aggression committed against the Territory of Timor. In the circumstances, he wished to reaffirm even more strongly his condemnation of that action, particularly since the justification given by the Government of Indonesia was totally without foundation both from the moral and humanitarian standpoint and from the standpoint of international law and the Charter of the United Nations. In fact, it was incorrect that peace had been restored in Timor, since the peace of a people could never be the result of aggression by a foreign country. It might even be assumed that the instability that had previously prevailed in the Territory had, to a large extent, been due to Indonesia's actions in support of certain factions of the people of Timor. In any case, there was no justification for Indonesia, of its own accord, supplanting the competent United Nations bodies, on the pretext of restoring peace. As a Member of the United Nations, Indonesia, by trying to justify its action, was in fact admitting its responsibility for violating the fundamental principles of the Charter; it was for the General Assembly to draw the necessary conclusions from that admission, to which there was nothing to add.

The representative of Indonesia had attributed the problems and difficulties of the situation in Timor to the negligence, if not to the hidden intentions, of the administering Power. Yet, the recent developments, the obstacles created to the progress of talks between the Portuguese Government and the parties concerned, and the aggression that had just taken place made it possible to conclude that the difficulties of the situation in Timor came largely from outside, Indonesia

(Mr. Galvao Teles, Portugal)

could not justify its actions by the existence of a situation for which it was, from all points of view, mainly responsible. Indonesia's crime was not negligence, but military aggression against all the rights of the people of Timor.

ORGANIZATION OF WORK

The CHAIRMAN suggested that, if there was no objection, all proposals relating to item 88 should be submitted by 6 p.m. that same day and that the Committee should plan to conclude its work for the thirtieth session the following day.

It was so decided.

The meeting rose at 1.50 p.m.